

REMARKS

Claims 1, 3, 5, 8, 15-19 are now pending in the application. Claims 1, 15, and 17 have been currently amended and claim 2 has been canceled. Pending claims 1-3, 8, 15-17 and 19 stand rejected under 35 U.S.C. § 102 (e). The forgoing amendments and following remarks are considered by Applicants to overcome each rejection raised by the Examiner and to place the application in condition for allowance. An early Notice of Allowance is therefore requested.

I. Rejection Of Pending Claims 1-3, 8, 15-17 and 19 Under 35 U.S.C. § 102 (e)

The Examiner has rejected claims 1-3, 8, 15-17 and 19 under 35 U.S.C. § 102 (e) as being anticipated by Blease et al., U.S. Patent No. 6,585,362, issued July 1, 2003 ("Blease"). Applicants respectfully traverse this rejection.

A. Relevant Law

"A claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference." *Bristol-Myers Squibb v. Ben Venue*, 246 F.3d 1368, 1374 (Fed. Cir. 2001). Identity of invention requires that a prior reference disclose to one of ordinary skill in the art all elements and limitations of the patent claim. *Scripps Clinic v. Genentech*, 927 F.2d 1565, 1576 (Fed. Cir. 1991). Absence from the reference of any claimed element negates anticipation. *Kloster Speedsteel AB v. Crucible, Inc.*, 230 USPQ 81 (Fed. Cir. 1986).

B. Summary of Cited References

Blease discloses an ink composition that includes a colorant and an aqueous carrier, where the ink composition has a dissolved gas content of less than 3 ppm (3 mg/L) as

measured on the basis of the amount of dissolved oxygen gas at 20°C and a static surface tension at 25°C of greater than 34 dynes/cm (34 mN/m). In addition, Blease discloses that the ink composition is degassed prior to filling the ink cartridge.

C. Argument

The Examiner asserts that Blease discloses an ink composition comprising a colorant and an aqueous carrier, where the ink composition has a dissolved gas content of less than 3 ppm as measured on the basis of the amount of dissolved oxygen gas at 20°C and a static surface tension at 25°C of greater than 34 dynes/cm. The Examiner also argues Blease discloses that the ink composition is degassed prior to filling. Thus, the Examiner concludes that the composition taught in Blease anticipates the present invention. Applicants respectfully disagree with the Examiner's analysis.

Currently amended claim 1 recites in part a surface tension of the ink is not less than 40 mN/m, and an amount of dissolved oxygen in the ink is between 3 mg/L to about 4 mg/L. In the present application, a high recording quality with a sharp image area edge, which is one of the objectives of the present application, can be achieved by using a pigment rather than a dye in the ink. See, for example, Examples 1-7 and paragraphs [0069] and [0071].

On the other hand, Blease used dyes as the coloring agent in all of the inks of Examples 1 to 10. See Table "Example Ink Formulations" in column 7. Blease does not have any examples using a pigment as the coloring agent in its disclosure of an ink composition. Also, the amount of dissolved gas content in the ink composition of Blease is less than 3 ppm (mg/L). This is unlike the present invention which discloses an ink for ink-jet recording having an amount of dissolved oxygen in the ink is between 3 mg/L to about 4 mg/L. Thus, the feature defined in amended claim 1 is not disclosed in Blease. Accordingly, Blease fails to teach or disclose each and every limitation of independent claims 1. To the extent that the

Examiner finds each and every limitation of claim 1 in Blease, it nonetheless is insufficient for it does not contain an enabling disclosure. Therefore, Blease does not anticipate claims 1. Claim 3, by virtue of its dependency from claim 1, is similarly considered by Applicants to patentably define itself and is novel over Blease.

Currently amended independent claim 15 discloses an ink for ink-jet recording comprising: water; and a coloring agent, wherein a surface tension of the ink is not less than 40 mN/m, and an amount of dissolved oxygen in the ink is between 3 mg/L to about 4 mg/L.

As stated above, the amount of dissolved gas content in the ink composition disclosed in Blease is less than 3 ppm (mg/L). This is unlike the present invention which discloses an ink for ink-jet recording having an amount of dissolved oxygen in the ink is between 3 mg/L to about 4 mg/L. Thus, the feature defined in claim 15 is not disclosed in Blease.

Accordingly, Blease fails to teach or disclose each and every limitation of independent claim 15. To the extent that the Examiner finds each and every limitation of claim 15 in Blease, it nonetheless is insufficient for it does not contain an enabling disclosure. Therefore, Blease does not anticipate claim 15. Claim 16, by virtue of its dependency from claim 15, is similarly considered by Applicants to patentably define itself and is novel over Blease.

Currently amended independent claim 17 discloses a method for producing an ink for ink-jet recording comprising water and a coloring agent wherein a surface tension of the ink is not less than 40 mN/m. The method in claim 17 comprises preparing the ink and applying a deoxidation treatment to the prepared ink so that an amount of dissolved oxygen contained in the ink is between 3 mg/L to about 4 mg/L.

Blease does not disclose the feature of applying a deoxidation treatment to the prepared ink so that an amount of dissolved oxygen contained in the ink is between 3mg/L to about 4 mg/L. Thus, the feature defined in amended claim 17 is not disclosed in Blease.

Accordingly, Blease fails to teach or disclose each and every limitation of independent claim 17. To the extent that the Examiner finds each and every limitation of claim 17 in Blease, it nonetheless is insufficient for it does not contain an enabling disclosure. Therefore, Blease

does not anticipate claim 17. Claims 18 and 19, by virtue of its dependency from claim 17, is similarly considered by Applicants to patentably define itself and is novel over Blease. For these reasons, reconsideration and withdrawal of the rejection under 35 U.S.C. §102 (e) are respectfully requested.

II. Allowable Subject Matter

Applicants gratefully acknowledge the Examiner notation on page 4 of the office action that claim 5 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

III. Conclusion

For the reasons presented above, claims 1, 3, 5, 8, 15-19, all the claims pending in the application, are believed by Applicants to define patentable subject matter and should be passed to issue at the earliest possible time. A Notice of Allowance is requested.

Respectfully submitted,

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